

JHC

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-cr-40-BR

UNITED STATES OF AMERICA)	
)	
v.)	<u>CRIMINAL INFORMATION</u>
)	
PHILIP JOE GUYETT, JR.)	

Introduction

1. Beginning in or about March 2005 and continuing until in or about December 2005, in the Eastern District of North Carolina, PHILIP JOE GUYETT, JR., defendant herein, knowingly, willfully, and unlawfully devised and executed a scheme and artifice to defraud others and obtain, through materially false and fraudulent pretenses, money and property. For the purpose of executing this scheme and artifice, the defendant, PHILIP JOE GUYETT, JR. did cause certain items, described below, to be deposited with a private and commercial interstate carrier to be sent and delivered by such carrier.

2. This scheme and artifice to defraud and obtain, through materially false and fraudulent pretenses, money and property, involved the defendant, PHILIP JOE GUYETT, JR., acting through the corporate identify "Donor Referral Services, Inc.," harvesting human tissue from deceased individuals at funeral homes in and around the Eastern District of North Carolina and

selling such tissue to various tissue banks for subsequent sale to medical facilities for the eventual implantation in medical patients throughout the United States.

3. Pursuant to section 361 of the Public Health Service Act, the United States Food and Drug Administration ("FDA") promulgates and enforces federal regulations governing the harvesting and sale of human tissue for implantation into human recipients. Regulations such as those codified at 21 C.F.R. § 1270, et. seq., require that certain medical information of the deceased tissue-donor be collected and analyzed by the tissue harvester, as certain medical conditions of the deceased would preclude their tissue from being used for implantation in medical patients.

4. As part of the scheme to defraud, and to ensure the sale and purchase of the human tissue he harvested, the defendant, PHILIP JOE GUYETT, JR., did knowingly falsify information on the medical history reports concerning the medical histories of the deceased donors from whom tissue was harvested. The defendant, PHILIP JOE GUYETT, JR., would alter, omit, fabricate, and falsify material on the reports, including the deceased donors' age at death, their cause of death, their having suffered from infectious or communicable diseases, and their having engaged in risky behavior while living, such as intravenous drug use, so that the tissue the defendant was attempting to sell would not be rejected from purchase by various tissue banks because of the disqualifying

medical conditions of the donors.

5. As part of the scheme to defraud, the defendant, PHILIP JOE GUYETT, JR., would also resubmit for sale tissue under a false donor name that had been previously rejected for purchase under the actual donor's name. The defendant, PHILIP JOE GUYETT, JR., would also submit false blood samples (i.e. blood samples from a different deceased donor) for tissue he knew would be otherwise rejected for purchase because the presence of infectious or communicable diseases would be detected in the donor blood sample that actually corresponded with a particular tissue specimen for sale.

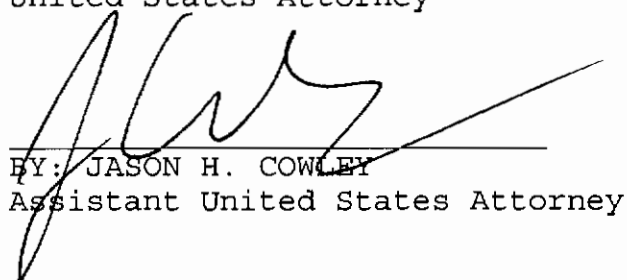
COUNTS ONE THROUGH THREE

Paragraphs 1 and 5 of the Introduction are realleged and incorporated by reference herein. For the purpose of executing the above-described scheme and artifice to defraud, the defendant, PHILIP JOE GUYETT, JR., on or about the dates set forth below, did cause certain items, described below, to be deposited with a private and commercial interstate carrier to be sent and delivered by such carrier, with each transaction constituting a separate count of this Indictment:

Count:	Date:	Interstate Carrier:	Item Shipped:	Parties:
1	3/16/2005	Federal Express	Human Tissue	From defendant, in the Eastern District of North Carolina, to Tissue Bank 1, in Georgia
2	6/2/2005	Federal Express	Human Tissue	From defendant, in the Eastern District of North Carolina, to Tissue Bank 2, in Utah
3	11/2/2005	Federal Express	Human Tissue	From defendant, in the Eastern District of North Carolina, to Tissue Bank 3, in Texas

Each entry in the above table constituting a separate violation of Title 18, United States Code, Section 1341.

GEORGE E.B. HOLDING
United States Attorney



BY: JASON H. COWLEY
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